

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

IVAN ANTONYUK, GUN OWNERS OF
AMERICA, INC., GUN OWNERS
FOUNDATION, and GUN OWNERS OF
AMERICA NEW YORK, INC.,

Plaintiffs,

-v.-

KEVIN P. BRUEN, in his Official Capacity as
Superintendent of the New York State Police,

Defendant.

Case No. 1:22-cv-00734-GTS-CFH

**GIFFORDS LAW CENTER TO
PREVENT GUN VIOLENCE'S
MOTION FOR LEAVE TO
APPEAR AS *AMICUS CURIAE*
AND TO FILE AN AMICUS
BRIEF IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

Giffords Law Center to Prevent Gun Violence (“Giffords Law Center”) moves for leave to appear as *amicus curiae* and to file the attached brief in support of Defendant’s Opposition to Plaintiffs’ Motion for a Preliminary Injunction.¹

The decision to grant or deny leave to file an amicus brief is left to the “broad discretion” of the district court. *V.W. by & through Williams v. Conway*, 236 F. Supp. 3d 554, 571 n.8 (N.D.N.Y. 2017). An amicus brief is appropriate if it is “timely and useful.” *Hart v. Town of Guilderland*, 2020 WL 8411581, at *1 (N.D.N.Y. July 28, 2020). An amicus brief is timely if it does not result in delays to the litigation. *Id.* An amicus brief is useful if it provides “unique information or perspective.” *Soos v. Cuomo*, 470 F. Supp. 3d 268, 284 (N.D.N.Y. 2020). A “court is more likely to grant leave to appear as an amicus curiae in cases involving matters of public interest.” *Pratt v. Indian River Cent. Sch. Dist.*, 2010 WL 11681606, at *3 (N.D.N.Y. Dec. 6, 2010).

Giffords Law Center to Prevent Gun Violence (“Giffords Law Center”) is a non-profit policy organization serving lawmakers, advocates, legal professionals, gun violence survivors, and others who seek to reduce gun violence and improve the safety of their communities. The organization was founded more than a quarter-century ago following a gun massacre at a San Francisco law firm and was renamed Giffords Law Center in 2017 after joining forces with the gun-safety organization led by former Congresswoman Gabrielle Giffords. Today, through partnerships with gun violence researchers, public health experts, and community organizations, Giffords Law Center researches, drafts, and defends the laws, policies, and programs proven to effectively reduce gun violence. Giffords Law Center also advocates for the interests of gun

¹ Giffords Law Center has conferred with the parties and the parties take no position on Giffords Law Center’s Motion.

owners and law enforcement officials who understand that Second Amendment rights have always been consistent with gun safety legislation and community violence prevention strategies.

Giffords Law Center has contributed technical expertise and informed analysis as an *amicus* in numerous cases involving firearm regulations and constitutional principles affecting gun policy. *See, e.g., New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022) (“*Bruen*”); *McDonald v. City of Chicago*, 561 U.S. 742 (2010); *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Libertarian Party v. Cuomo*, 970 F.3d 106 (2d Cir. 2020). Several courts have cited research and information from Giffords Law Center’s *amicus* briefs in Second Amendment rulings. *See, e.g., Ass'n of N.J. Rifle & Pistol Clubs v. Att'y Gen. N.J.*, 910 F.3d 106, 121-22 (3d Cir. 2018); *Stimmel v. Sessions*, 879 F.3d 198, 204, 208, 210 (6th Cir. 2018); *Peruta v. County of San Diego*, 824 F.3d 919, 943 (9th Cir. 2016) (en banc) (Graber, J., concurring); *Hirschfeld v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 417 F. Supp. 3d 747, 754, 759 (W.D. Va. 2019); *Md. Shall Issue v. Hogan*, 353 F. Supp. 3d 400, 403-05 (D. Md. 2018).

Here, Giffords Law Center’s proposed brief is timely and useful in this case of public interest. Acceptance of the brief will not cause any delay in the litigation. And the proposed brief will assist the Court in deciding this important matter by adding to the parties’ briefing on the types of evidence the Court may consider in conducting an analysis as set forth in the Supreme Court’s recent *Bruen* decision. Giffords Law Center’s proposed brief explains that *Bruen* instructs courts to analyze whether modern gun regulations have historical analogues, and two of the considerations courts may weigh in this analysis are the “how” and “why” of both modern and historic regulations. As the proposed brief explains, social science studies are evidence that a court, in its discretion, may consider when weighing these hows and whys. As an

organization that closely studies legal developments around gun violence issues, Giffords Law Center is well-positioned to add to the parties' briefing in this case. Moreover, the August 16, 2022 *amicus* filing by the National Police Association expressly quotes Giffords Law Center in its discussion of the issues. *See Brief of Amicus Curiae National Police Association in Support of Plaintiffs' Prayers for Declaratory and Injunctive Relief* (Aug. 16, 2022). Giffords Law Center's brief is filed to ensure the Court has the full context and a balanced discussion of the relevant data.

For the foregoing reasons, Giffords Law Center respectfully requests that the Court grant this motion and accept for filing the accompanying *amicus curiae* brief.

Dated: New York, NY
August 17, 2022

COVINGTON & BURLING LLP

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 17, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/ Andrew Leff
Andrew Leff (Bar Roll No. 702871)